

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

PAT032711-US-PCT

In re Application of: Gregory Raymond Bebernitz

Application No.: 10/529,670

Filed: 08-15-2005

For: Substituted (thiazol-2-yl)-amide or sulfonamide as glycol kinase activators useful in the treatment of type 2 diabetes

The owner*, Novartis AG, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 12/088,608 filed on March 28, 2008, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

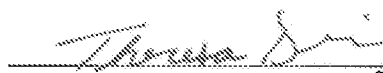
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 45,361



Signature

March 30, 2010

Date

Theresa Devlin

Typed or printed name

617-671-7802

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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